

**REMARKS**

According to the "Notice of Non-Compliant Amendment" mailed March 1, 2006, Applicants are required to supply a marked-up amendment.

In response, Applicants have provided herein a revised Preliminary Amendment in compliance with 37 C.F.R. § 1.121(b)(2)(i)-(ii), showing the full text of a replacement section with markings to show all changes relative to the previous version of the section. Text of added subject matter is shown by underlining the added text. The text of deleted matter is shown by strike-through or by double brackets placed before and after five or fewer consecutive deleted characters. The immediate prior version of the presently filed amendment is the corresponding paragraph in a Preliminary Amendment filed July 30, 2003 claiming priority to earlier filed applications. The Preliminary Amendment filed July 30, 2003 inadvertently omitted reference to the relationship between two prior application i.e. International Patent Application No. PCT/US02/03087 being a continuation-in-part of U.S. Patent Application No. 09/755,755 filed February 2, 2001. Thus Applicants believe that the presently filed amendment does not introduce any new matter. Applicants request that the corrected priority of the instant application be made of record and the petition to issue a corrected Filing Receipt be granted following submission of the Second Preliminary Amendment herein.

In an abundance of caution, Applicants further request that this paper be considered a Petition To Correct Priority Date pursuant to 37 C.F.R. § 1.78(a)(3) due to unintentional delay in claiming priority to earlier filed applications, should the Commissioner so require. As noted above, Applicants had filed a Preliminary Amendment claiming priority to earlier filed application but inadvertently omitted reference to the relationship between two

prior application i.e. International Patent Application No. PCT/US02/03087 being a continuation-in-part of U.S. Patent Application No. 09/755,755 filed February 2, 2001. Applicants state that the entire delay between the date the claim was due and the date the claim was (properly) filed was unintentional since the error in preliminary amendment filed July 30, 2003 was only recently noted after receiving the Response to Request for Corrected Filing Receipt mailed October 17, 2005. Applicants authorize the charging of the required fee of \$ 1,370.00 under 37 C.F.R. § 1.17(t) to deposit account 02-4377, should the Commissioner require filing of a Petition to Correct Priority pursuant to 37 C.F.R. § 1.78(a)(3) and consider this document as the Petition.

Applicants do not believe that any additional fee is required in connection with the submission of this document. Should any fees be required, the Commissioner is hereby authorized to charge any additional fees to Deposit Account 02-4377. A duplicate copy of this communication is provided.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: 

Lisa B. Kole  
Patent Office Reg. No. 35,225  
(212)408-2628 direct dial

*Attorney for Applicants*

30 Rockefeller Plaza  
44th Floor  
New York, New York 10112  
212-408-2500